



4PM 2872

#8 | Electriong
Floor
38-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dickensheets et al.

Serial No. 09/070,699

Filed: April 30, 1998

For: **MINIATURE SCANNING CONFOCAL
MICROSCOPE**

Group Art Unit: 2872
Examiner: Phan, J.

**RESPONSE TO RESTRICTION
REQUIREMENT**

Date: February 18, 1999

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231 on February 18, 1999.

Signed: Kathryn Marley
Kathryn Marley

BOX NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAR 01 1999

GROUP 2100

Sir:

This is in Response to the Office Action mailed February 2, 1999 for the above-identified application.

In response to the restriction requirement made under 35 U.S.C. Section 121, Applicant hereby elects to prosecute claim 27 and the claims of Group I comprising claims 28-29 and 36-40. Claim 42 is not mentioned. However, it is submitted that it falls into Group I.

Applicant elects the species which includes a compliant constraining means, claim 39.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication or credit any overpayment to our Deposit Account No. 06-1300 (Order No. A-62591-3/AJT).

Respectfully submitted,

Maria S. Swiatek, Reg. No. 37,244
/or/ Aldo J. Test, Reg. No. 18,048

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Suite 3400, 4 Embarcadero Center
San Francisco, California 94111-4187
Tel: (650) 494-8700